

MONDAY, APRIL 15, 1985

THIRTY-FIFTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Brother Luther Clark, First Methodist Church, Ripley, Tennessee.

Representative Crain led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 97

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

The Speaker announced that Representative Treadway was excused because of special election.

The Speaker announced that Representative Starnes was excused because of legislative business.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 238; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution No. 238; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 318, 508, 656 and 903; House Resolution No. 22; and House Joint Resolution No. 239; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 69, 79, 303, 408, 607, 653 and 683; and Senate Joint Resolutions Nos. 107 and 120; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 318, 508, 656 and 903; House Resolution No. 22; House Joint Resolution No. 239; Senate Bills Nos. 69, 79, 303, 408, 607, 653 and 683; and Senate Joint Resolutions Nos. 107 and 120.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 162, 317, 341, 506, 527, 548, 566, 857 and 1058; all signed by

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the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 162, 317, 341, 506, 527, 548, 566, 857 and 1058; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

PERSONAL PRIVILEGE

Mr. Dills addressed the House regarding House Bill No. 939.

Mr. Moore (Shelby) moved that the rules be suspended for the purpose of considering House Bill No. 939 out of order, which motion prevailed.

On motion of Mr. Moore (Shelby), House Bill No. 939 was recalled from the Senate for further consideration.

RULES SUSPENDED

Mr. Gill moved that Rule No. 48 be suspended for the purpose of setting the House Calendar, which motion prevailed.

CALENDAR

House Joint Resolution No. 130--Relative to urging Congress to enact Sodbuster legislation.

Mr. Byrd moved that House Joint Resolution No. 130 be adopted, which motion prevailed by the following vote:

Ayes	92
Noes	1
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington),

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Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

Representative voting no was: Chiles--1.

Representative present and not voting was: Harrill--1.

A motion to reconsider was tabled.

House Bill No. 642--To grant certain tax power, Commissioner of Revenue.

On motion, House Bill No. 642 was made to conform with Senate Bill No. 725.

On motion, Senate Bill No. 725, on same subject, was substituted for House Bill No. 642.

Mr. Bivens moved that Senate Bill No. 725 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

In the absence of Mr. Starnes, the Speaker announced that House Bills Nos. 579, 572 and 883 would be placed on the Calendar for Wednesday, April 17, 1985.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 440--To provide for collection of student loans.

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On motion, House Bill No. 440 was made to conform with Senate Bill No. 483.

On motion, Senate Bill No. 483, on same subject, was substituted for House Bill No. 440.

Mr. Turner, C. (Shelby) moved that Senate Bill No. 483 be passed on third and final consideration.

Mr. Turner, C. (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 483 by adding a new sentence at the end of the amendatory language of Section 1, as follows:

Compensation for such appointment or service shall be on a contingency fee or percentage of recovery basis at no direct cost to the state.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 483, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

House Bill No. 795--To restrict videos to minors.

On motion, House Bill No. 795 was made to conform with Senate Bill No. 685.

On motion, Senate Bill No. 685, on same subject, was substituted for House Bill No. 795.

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Mr. Swann moved that Senate Bill No. 685 be passed on third and final consideration.

Mr. Severance moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 685 by adding the following language as new sections immediately preceding the effective date section to be appropriately numbered, renumbering the effective date section accordingly:

SECTION _____. Tennessee Code Annotated, Section 39-6-1140, is amended by designating the existing language as subsection (a), and by adding the following language as a new subsection to be designated as subsection (b):

(b) Any county by resolution of its legislative body or any incorporated city or town by ordinance of its governing body is authorized to designate a department or agency of such county or municipality, respectively, to inspect video cassettes prior to distribution, to insure compliance with the provisions of this section.

SECTION _____. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 685, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

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A motion to reconsider was tabled.

House Bill No. 981--To require overtime pay, certain conditions.

On motion, House Bill No. 981 was made to conform with Senate Bill No. 417.

On motion, Senate Bill No. 417, on same subject, was substituted for House Bill No. 981.

Mr. Drew moved that Senate Bill No. 417 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

Mr. Covington moved that House Bill No. 72 be placed on the calendar for Thursday, April 18, 1985, which motion prevailed.

House Bill No. 867--To set delinquent tax penalties, municipalities.

On motion, House Bill No. 867 was made to conform with Senate Bill No. 274.

On motion, Senate Bill No. 274, on same subject, was substituted for House Bill No. 867.

Ms. Turner (Hamilton) moved that Senate Bill No. 274 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Representative present and not voting was: Bragg--1.

A motion to reconsider was tabled.

House Bill No. 1068--To regulate sale of fireworks, certain counties.

Mr. Frensley moved that House Bill No. 1068 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	2
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

Representatives voting no were: Shirley and Turner, C. (Shelby) --2.

Representative present and not voting was: Bragg--1.

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A motion to reconsider was tabled.

House Bill No. 1067--To authorize severance tax, Giles County.

On motion, House Bill No. 1067 was made to conform with Senate Bill No. 1048.

On motion, Senate Bill No. 1048, on same subject, was substituted for House Bill No. 1067.

Mr. DePriest moved that Senate Bill No. 1048 be passed on third and final consideration.

Thereupon, Senate Bill No. 1048 failed to receive a constitutional majority by the following vote:

Ayes	37
Noes	16
Present and not voting	36

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Cobb, Cross, Davidson, DePriest, Dixon, Frensey, Gill, Henry, Hillis, Hobbs, Jared, Kent, Kernell, King, Miller, Montgomery, Moore (Sullivan), Murray, Peroulas, Rhinehart, Robinson (Davidson), Robinson (Washington), Stallings, Swann, Tankersley, Turner, B. (Hamilton), Webb, Wheeler, Whitson, Williams, Wolfe, Work and Yelton--36.

Representatives voting no were: Byrd, Collier, Copeland, Covington, Curlee, Gafford, Harrill, Hurley, Ivy, Moody, Nance, Napier, Ridgeway, Scruggs, Turner, C. (Shelby) and Winningham--16.

Representatives present and not voting were: Bragg, Brewer, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Crain, Darnell, Davis (Coeke), Davis (Gibson), Davis (Knox), Dills, Drew, Ellis, Garrett, Hassell, Huskey, Kisber, Lawson, Love, May, McAfee, McNally, Moore (Shelby), Murphy, Naifeh, Robinson (Hamilton), Severance, Shirley, Stafford, Tanner, Turner, L. (Shelby), Ussery, West, Wix and Wood--36.

Under the rules, Senate Bill No. 1048 was re-referred to the Committee on Calendar and Rules.

House Bill No. 1050--To close season on foxes, Greene County.

On motion, House Bill No. 1050 was made to conform with Senate Bill No. 1034.

On motion, Senate Bill No. 1034, on same subject, was substituted for House Bill No. 1050.

Mr. Bewley moved that Senate Bill No. 1034 be passed on third and final consideration.

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Mr. Henry moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1034 by adding a new section as follows:

SECTION ____. It shall be lawful to kill foxes in Greene County only by lethal injection.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1034, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

141--To regulate Department of Employment Security;

155--To regulate Appeals Tribunal, Department of Employment Security;

156--To regulate Employment Security Advisory Council;

717--To regulate Board of Review, Department of Employment Security; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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CONSENT CALENDAR

House Bill No. 155--To continue state funding board.

House Bill No. 172--To continue department of employment security.

On motion, House Bill No. 172 was made to conform with Senate Bill No. 141.

On motion, Senate Bill No. 141, on same subject, was substituted for House Bill No. 172.

House Bill No. 176--To continue the Appeals tribunal.

On motion, House Bill No. 176 was made to conform with Senate Bill No. 155.

On motion, Senate Bill No. 155, on same subject, was substituted for House Bill No. 176.

House Bill No. 177--To continue council on pensions and retirement.

House Bill No. 181--To continue public records commission.

House Bill No. 191--To continue employment security advisory council.

On motion, House Bill No. 191 was made to conform with Senate Bill No. 156.

On motion, Senate Bill No. 156, on same subject, was substituted for House Bill No. 191.

House Bill No. 606--To continue Employment Security Review Board.

On motion, House Bill No. 606 was made to conform with Senate Bill No. 717.

On motion, Senate Bill No. 717, on same subject, was substituted for House Bill No. 606.

House Bill No. 1070--To regulate Board of Highway Commissioners, Hickman County.

House Bill No. 1071--To amend Charter, Dayton.

House Bill No. 1072--To amend Charter, Dayton.

House Joint Resolution No. 241--Relative to honoring Shelia Collins.

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House Joint Resolution No. 242--Relative to designating May 5, 1985, "Ramp Festival Day".

House Joint Resolution No. 243--Relative to memory, Robert Hassler Roberts.

House Joint Resolution No. 245--Relative to congratulating International Franchise Association.

House Joint Resolution No. 246--Relative to recognizing Bernard's Department Store of Rockwood.

House Joint Resolution No. 247--Relative to memory, Edwin T. McBrayer.

House Joint Resolution No. 248--Relative to honoring Nick Orlando and Thomas Hill.

House Joint Resolution No. 249--Relative to honoring Nashville area Farmers Club.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, and all House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wittingham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

Mr. Cobb moved that action on House Bill No. 197 be deferred until Wednesday, April 17, 1985, which motion prevailed.

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HOUSE BILL ON SENATE AMENDMENT

House Bill No. 314--To amend Section 45-2-1102, Code.

SENATE AMENDMENT NO. 1

Amend House Bill No. 314 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 45-2-1102 is amended by deleting subsection (c)(1) and by substituting instead the following:

(c)(1) Notwithstanding any other provisions of law, a state bank or bank holding company may not sell a classified loan or participation therein to, or purchase such loan or participation from, another financial institution without obtaining the prior approval of the commissioner.

Tennessee Code Annotated, Section 45-2-1102 is further amended by adding to subsection (c)(2) the following:

For the purposes of this subsection "financial institution" means a bank, savings and loan association, industrial loan and thrift company, credit union, mortgage broker, mortgage banker, or leasing company accepting deposits, making or arranging loans and making or arranging leases.

Mr. Webb moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

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NOTICE PURSUANT TO RULE NO. 58

Pursuant to Rule No. 58, sponsors gave notice of their intentions to consider the following measures from the Senate on Wednesday, April 17, 1985:

House Bill No. 474--Gafford

House Bill No. 528--Hurley

and on Monday, April 22, 1985:

House Bill No. 1008--Naifeh

SECOND ROLL CALL

A roll call was taken with the following results:

Present 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

Mr. Love moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 260 out of order, which motion prevailed.

House Joint Resolution No. 260--Relative to honoring Johnella H. Martin--By Love.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Love, the resolution was adopted.

A motion to reconsider was tabled.

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INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 250--Relative to proposing a constitutional amendment, lottery prohibition--By Kernell.

The Speaker referred House Joint Resolution No. 250 to the Committee on Finance, Ways and Means.

House Joint Resolution No. 251--Relative to proclaiming "Sigma Chi Derby Days in Tennessee"--By Davidson.

Under the rules, House Joint Resolution No. 251 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 252--Relative to study, health insurance for elderly--By Bragg.

The Speaker referred House Joint Resolution No. 252 to the Committee on Commerce.

House Joint Resolution No. 253--Relative to honoring Dr. Wayne Brown--By Love, Garrett, Robinson (Davidson), Ellis, Murphy and Cobb.

Under the rules, House Joint Resolution No. 253 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 254--Relative to congratulating Larry Keeton--By West.

Under the rules, House Joint Resolution No. 254 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 255--Relative to congratulating Memphis City Beautiful Commission--By Burd, Hassell, Williams, Nance, King, Dixon, Gaia, Gill, Turner, L. (Shelby), Jones, DeBerry, Kent Turner, C. (Shelby), Shirley, Kernell, Brewer and Moore (Shelby).

Under the rules, House Joint Resolution No. 255 was referred to the Committee on Calendar and Rules.

House Resolution No. 24--Relative to honoring Johnella H. Martin--By Love.

Under the rules, House Resolution No. 24 was referred to the Committee on Calendar and Rules.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 78--Relative to granting preference, Tennessee artists.

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The Speaker referred Senate Joint Resolution No. 78 to the Committee on State and Local Government.

Senate Joint Resolution No. 98--Relative to congratulating Coach Gary Zimmerman and boys' basketball team.

Under the rules, Senate Joint Resolution No. 98 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 99--Relative to commending Dr. Wayne Brown.

Under the rules, Senate Joint Resolution No. 99 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 105--Relative to honoring Velma Prentice Burch.

Under the rules, Senate Joint Resolution No. 105 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 106--Relative to acknowledging Japanese investments.

The Speaker referred Senate Joint Resolution No. 106 to the Committee on Calendar and Rules.

Senate Joint Resolution No. 108--Relative to congratulating Paslode Company.

Under the rules, Senate Joint Resolution No. 108 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 114--Relative to commending Elaine Alexander, "Tennessee Teacher of the Year."

Under the rules, Senate Joint Resolution No. 114 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 115--Relative to commending J. L. Burr.

Under the rules, Senate Joint Resolution No. 115 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 117--Relative to congratulating Coach Don Devoe and UT basketball team.

Under the rules, Senate Joint Resolution No. 117 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 118--Relative to congratulating Sonny Hicks and Memphis Hillcrest High School.

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Under the rules, Senate Joint Resolution No. 118 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 119--Relative to congratulating Whitehaven High School boys' basketball team.

Under the rules, Senate Joint Resolution No. 119 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1075--To regulate Department of Transportation--By Love.

Passed first consideration.

House Bill No. 1076--To regulate use of deadly force, law enforcement officers--By Love.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 71--To regulate certain annuities, inheritance tax.

Passed first consideration.

Senate Bill No. 210--To provide Advisory Council, contractors board.

Passed first consideration.

Senate Bill No. 327--To regulate structure, State Court Clerks' Conference.

Passed first consideration.

Senate Bill No. 756--To regulate dividends, certain subsidiaries.

Passed first consideration.

Senate Bill No. 847--To regulate certain benefits, financially disadvantaged.

Passed first consideration.

Senate Bill No. 889--To provide work release programs, driving while intoxicated.

Passed first consideration.

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Senate Bill No. 952--To regulate county motor vehicle privilege tax, certain counties.

Passed first consideration.

Senate Bill No. 969--To regulate drug paraphernalia.

Passed first consideration.

Senate Bill No. 991--To create Office of Minority Affairs, General Assembly.

Passed first consideration.

Senate Bill No. 1002--To allow business tax credit, special school districts.

Passed first consideration.

Senate Bill No. 1016--To regulate Emergency Communications District Law.

Passed first consideration.

Senate Bill No. 1019--To amend Chapter 60, Private Acts, 1975.

Passed first consideration.

Senate Bill No. 1045--To regulate Henry County wheel tax.

Passed first consideration.

Senate Bill No. 1046--To create City Sessions Court, Lexington.

Passed first consideration.

HOUSE BILL ON SECOND CONSIDERATION

House Bill No. 1074--To amend Chapter 25, Public Acts, 1985.

Passed second consideration and referred to Committee on Finance, Ways and Means.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

319--To make certain provisions, Vocational Training Centers;

397--To make certain provisions, paternity proceedings;

707--To regulate contracts, future funeral services;

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865--To include from certain drugs, second degree murder;

1004--To make certain provisions, kindergarten teachers; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, April 17, 1985: House Bills Nos. 470, 127, 962, 966, 967, 970, 971, 976, 977, 445, 896, 272, 655 and 661.

GILL, Chairman.

LOCAL BILL REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bill, having received authorization for passage by the local legislative delegation, was transmitted to the Committee on Calendar and Rules: House Bill No. 1073.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, April 17, 1985: House Bill No. 1073, and House Joint Resolutions Nos. 251, 253, 254, 255; House Resolution No. 24; and Senate Joint Resolutions Nos. 98, 99, 105, 106, 108, 114, 115, 117, 118 and 119.

GILL, Chairman.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 155, 177, 181, 1068, 1070, 1071 and 1072; and House Joint Resolutions Nos. 130, 241, 242, 243, 245, 246, 247, 248, 249 and 260; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills

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Nos.

351--To make certain provisions, certification of wills;

706--To regulate contracts, future funeral services;

1066--To regulate school board, Giles County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

475--To regulate nonsupport, spouses and children;

559--To regulate chauffeurs licenses;

586--To regulate Board for Licensing Contractors;

794--To establish Viticulture Advisory Board;

933--To adjust various taxes, Department of Commerce and Insurance; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

69--Relative to proposed amendment, representation, District of Columbia;

79--Relative to saving Job Corps; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

234--To regulate defense of sovereign immunity;

867--To regulate Reelfoot Lake Drainage Basin;

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976--To regulate labeling, certain imported goods;

1044--To regulate use, certain traps, certain counties; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Wheeler, the House adjourned until 1:00 p.m.
Wednesday, April 17, 1985.